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10/675,385	09/30/2003	Jeyhan Karaoguz	15013US02	6838

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EXAMINER
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MENDOZA JR, JORGE

ART UNIT	PAPER NUMBER
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2623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,385	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> JORGE MENDOZA JR	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03/20/2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims **1-31** are presented for Examination
2. Claims **1-6, 8-16, 18-21, 23-24, 26, 28, and 31** have been amended.

### *Drawings*

3. The drawings were received on 03/20/2008. These drawings are accepted.

### *Response to Arguments*

4. Applicant's arguments with respect to Claims **1-31** have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **1-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cezeaux et al. (US Patent Publication 2002/0184631)** in view of **Jaff et al. (US Patent No. 7,281,261)**.

With respect to Claim **1**, the claimed "*generating a request from a first location to receive media from a non-broadcast channel provider; providing one or both of payment*

*and/or authorization information to said non-broadcast channel provider; and receiving at a second location, said media from a storage location other than said non-broadcast channel provider”* is met by in part by Cezeaux et al. that teach a subscriber, using a set top box **102** requesting media from a content server **105**, which in turn allows the transmittal of the requested media (such as pay-per-view movies) from content sources **101** to the subscriber upon proper user authentication (*Figs. 1,3,4; ¶ [0026], [0029], [0030], [0034]& [0035]*).

The Cezeaux et al. reference is silent with respect to the receiving of said media at a second location, separate from the first location where the request for the media originated. However, in the same field of endeavor, Jaff et al. teach a system for remotely programming and remotely scheduling an event on a set top box from a remote location (*Abstract; Figs. 1-3; col.2, lines 51-62; col.3, lines 11-18, col.6, lines 29-31, 52-57, col.7, lines 18-41; col.8, lines 25-28, 32-36*). This thereby allows a user to request media at a first location (remote location) and receive the requested media at a second location, separate from the first location (remote location) where the request for the media originated.

It would have been obvious to one skilled in the art at the time the invention was made to have combined the teachings of the Cezeaux et al. reference with those of the Jaff et al. reference in order to allow a subscriber to remotely access their set top box and not require them to be at home to do so. A person of ordinary skill in the art would have been motivated to make such a modification to the Cezeaux et al. reference in

order to provide a subscriber the added benefit of remotely accessing their set top box while away from home & not miss out on any media they otherwise would miss out on.

With respect to Claim **2**, the claimed “*presenting a representation of said transferred received media in one or both of a media guide and/or a channel guide at said first location and/or second location*” is met by Cezeaux et al. that teach the use of electronic program guide **200** at a second respective location, for the representation of those services to which a subscriber is currently subscribed to, including the media that is associated with each channel (*Fig. 2; ¶ [0004], [0026], [0029], & [0033]*).

With respect to Claim **3**, the claimed “*consuming said received media at said second location*” is met by Cezeaux et al. that teach the use of a television, **103**, and a set top box, **102**, in displaying received media to be viewed by a subscriber (*Fig. 1; ¶ [0003], [0026], [0033], & [0034]*).

With respect to Claim **4**, the claimed “*comprising requesting that said received media be transferred from said storage location to [a] said second location*” is met by Cezeaux et al. that teach the deliver of requested media to set top box **102** from content sources **101** via content server **105** (*Figs. 1, 3, 4; ¶ [0026], [0029], [0030], [0034] & [0035]*).

With respect to Claim **5**, the claimed “*comprising transferring an identifier of said second location to said non-broadcast provider*” is met by Cezeaux et al. that teach the use of a set top box **102** in requesting media via the Internet **104** from various content sources **101** to be routed by a content server **105** to the appropriate set top box (¶

[0030], [000033], [0034]), whereby the use of IP addresses is necessary to selectively address and direct data among set-top boxes exchanging data on an Internet network.

With respect to Claim **6**, the claimed "*comprising presenting a representation of said transferred received media in one or both of a media guide/or and a channel guide at said second location*" is met by Cezeaux et al. that teach the use of electronic program guide **200** at a second respective location, for the representation of those services to which a subscriber is currently subscribed to, including the media that is associated with each channel (*Fig. 2; ¶ [0004], [0026], [0029], & [0033]*).

With respect to Claim **7**, the claimed "*wherein said media is consumed at said second location*" is met by Cezeaux et al. that teach the use of a television, **103**, and a set top box, **102**, in displaying received media to be viewed by a subscriber (*Fig. 1; ¶ [0003], [0026], [0033], & [0034]*).

With respect to Claim **8**, the claimed "*wherein said non-broadcast channel provider authorizes said storage location to transfer said media to one or both of said first location and/or said second location*" is met by Cezeaux et al. that teach the authorization of the transmittal of media from content sources 101 by a content server 105 to set top box 102 once a user is properly authenticated (*¶ [0026], [0030], [0034], [0035]*).

With respect to Claim **9**, the claimed "*comprising searching said non-broadcast channel provider for information related to said media according to said generated request*" is met by Cezeaux et al. that teach the use of a service selection system,

within the content server, in searching for subscriber information associated with the media being requested in order to validate a request for subscription ( $\P$  [0026] & [0034]).

With respect to Claim **10**, the claimed "*comprising selecting said received media for consumption*" is met by Cezeaux et al. that teach the selection of media to be viewed on a television display by a subscriber by the use of an EPG showing media channels currently subscribe to and the media associated with them ( $\P$  [0026], [0030], & [0033]).

Claim **11** is met as previously discussed with respect to Claim **1**.

Claim **12** is met as previously discussed with respect to Claim **2**.

Claim **13** is met as previously discussed with respect to Claim **3**.

Claim **14** is met as previously discussed with respect to Claim **4**.

Claim **15** is met as previously discussed with respect to Claim **5**.

Claim **16** is met as previously discussed with respect to Claim **6**.

Claim **17** is met as previously discussed with respect to Claim **7**.

Claim **18** is met as previously discussed with respect to Claim **8**.

Claim **19** is met as previously discussed with respect to Claim **9**.

Claim **20** is met as previously discussed with respect to Claim **10**.

Claim **21** is met as previously discussed with respect to Claim **1**. Additionally, Jaff et al. teach the use of access device 44 in generating a request for media (*Fig.2,3; col.2, lines 51-62; col.3, lines 11-18, col.6, lines 29-31, 52-57, col.7, lines 18-41*). Furthermore, Cezeaux et al. teach the use of a set-top box 102 that is utilized in providing

authentication information and in receiving media from the content providers, 101 (*Fig. 1; paragraphs [0004], [0026], [0030], & [0034]*).

Claim **22** is met as previously discussed with respect to Claim **2**.

Claim **23** is met as previously discussed with respect to Claim **3**.

Claim **24** is met as previously discussed with respect to Claim **4**.

Claim **25** is met as previously discussed with respect to Claim **5**.

Claim **26** is met as previously discussed with respect to Claim **6**.

Claim **27** is met as previously discussed with respect to Claim **7**.

Claim **28** is met as previously discussed with respect to Claim **8**.

Claim **29** is met as previously discussed with respect to Claim **9**.

Claim **30** is met as previously discussed with respect to Claim **10**.

With respect to Claim **31**, the claimed "*wherein said at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and/or a media peripheral processor*" is met by Cezeaux et al. that teach the use of a set-top box, **102** (*Fig. 1; paragraphs [0004], [0026], [0030], & [0034]*).



***Conclusion***

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**8.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Thursday 9:00 am –7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Scott Beliveau** can be reached at (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/JORGE MENDOZA JR/  
Examiner, Art Unit 2623**

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623